

**WOODS  
FULLER  
SHULTZ &  
SMITH P.C.**

LAWYERS  
EST. 1887

300 South Phillips Avenue  
Suite 300  
Post Office Box 5027  
Sioux Falls, South Dakota  
57117-5027

Telephone (605) 336-3890  
Telecopier (605) 339-3357

[www.wfsa.com](http://www.wfsa.com)

Merle A. Johnson  
Richard O. Gregerson  
William Taylor  
William P. Fuller  
Gary P. Thimsem  
Bradley C. Grossenburg  
James M. Wiederrich  
Connet H. Haraldson  
J.C. Shultz  
Roger W. Damgaard  
Frederick M. Ennwaite  
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James E. Moore  
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Gregory S. Starnes  
Jeffrey L. Bratkiewicz  
Carey A. Miller  
Mary A. Akkerman  
Mary Ellen Dirksen  
J. Vincent Jones  
Cheri S. Raymond  
James S. Simko  
Sander J. Morehead  
Matthew P. Bock

Attorneys also admitted in  
Iowa, Minnesota  
and Nebraska

Malvin T. Woods  
(1889-1983)  
Howell L. Fuller  
(1909-1981)  
John B. Shultz  
(1912-1975)  
Francis M. Smith

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# FAX COVER SHEET

FAX #: (571) 273-8300

TO: Mail Stop Amendment, U.S.P.T.O.  
Examiner Patel, T.C./AU: 3624

FROM: Jeff Proehl Chris Lillo


X Kay Marshall

RE: Appln. No. 09/020,122 Filing Date: 2/6/1998 Applicant:  
Frederic J Kirklin

Total Number of Pages (Including cover sheet): 21 (Please call us as soon as possible if you do not receive all pages).

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to 571-273-8300 on January 4, 2006

  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/020,122	02/06/1998	FREDERIC J KIRKLIN	980106	2906
40158	7590	11/08/2005	EXAMINER	
WOODS FULLER SHULTZ & SMITH P.C. ATTN: JEFFREY A. PROEHL P.O. BOX 5027 SIOUX FALLS, SD 57117			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

09020122

Examiner

JAGDISH PATEL

Applicant(s)

KIRKLIN ET AL

Art Unit

3624

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 24 October 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other \_\_\_\_\_

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet, 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).  
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.  
☐ C. Other \_\_\_\_\_

☒ 4. Amendments to the claims:

- ☒ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)  
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☒ E. Other: claim 11 is missing; and claims 55-57 (cancelled previously) missing.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonotice/officeflyer.pdf>.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*E. V. Patel*

Legal Instruments Examiner (LIE)

(571) 212-6580

Telephone No.